

AMENDED IN SENATE JULY 5, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 647

Introduced by Assembly Member Salas

February 21, 2007

An act to amend Sections 104420, *104430*, 104435, and 104455 of, and to repeal Section 104425 of, the Health and Safety Code, relating to tobacco use programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 647, as amended, Salas. Tobacco use programs.

Existing law establishes the Tobacco Education and Research Oversight Committee to provide advice to the State Department of Health Services and the State Department of Education with respect to policy development, integration, and evaluation of tobacco education programs. Existing law specifies the duties of the State Department of Education with respect to tobacco programs administered by local public and private schools, school districts, and county offices of education. Existing law requires the State Department of Education to award and administer grants for projects directed at the prevention of tobacco use among schoolage children. Existing law specifies the duties of county offices of education regarding antitobacco programs.

This bill would revise the above-described provisions to, among other things, require the State Department of Education to administer a competitive grant program for school-based, antitobacco education programs and tobacco use intervention and cessation activities, and revise the duties of the county offices of education with respect to this grant program. *The provisions of this bill would take effect July 1, 2009.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 104420 of the Health and Safety Code
- 2 is amended to read:
- 3 104420. The State Department of Education shall provide the
- 4 leadership for the successful implementation of this article in
- 5 programs administered by local public and private schools, school
- 6 districts, and county offices of education. The State Department
- 7 of Education shall do all of the following:
- 8 (a) Provide a planning and technical assistance program to carry
- 9 out its responsibilities under this article.
- 10 (b) Provide guidelines for schools, school districts, and school
- 11 district consortia to follow in the preparation of plans for
- 12 implementation of antitobacco use programs for schoolage
- 13 populations. The guidelines shall:
- 14 (1) Require the applicant agency to select one or more model
- 15 program designs and shall permit the applicant to modify the model
- 16 program designs to take special local needs and conditions into
- 17 account.
- 18 (2) Require the applicant agency to prepare for each target
- 19 population to be served a description of the service to be provided,
- 20 an estimate of the number to be served, an estimate of the success
- 21 rate and a method to determine to what extent goals have been
- 22 achieved.
- 23 (3) Require plan submissions to include a staffing configuration
- 24 and a budget setting forth use and distribution of funds in a clear
- 25 and detailed manner.
- 26 (c) Prepare model program designs and information for schools,
- 27 school districts, consortia, and county offices of education to follow
- 28 in establishing direct service programs to targeted populations.
- 29 Model program designs shall, to the extent feasible, be based on
- 30 studies and evaluations that determine which service delivery
- 31 systems are effective in reducing tobacco use and are cost effective.
- 32 The State Department of Education shall consult with the
- 33 department, and school districts with existing antitobacco programs
- 34 in the preparation of model program designs and information.

1 (d) Provide technical assistance for schools, school districts,
2 and county offices of education regarding the prevention and
3 cessation of tobacco use. In fulfilling its technical assistance
4 responsibilities, the State Department of Education may establish
5 a center for tobacco use prevention that shall identify, maintain,
6 and develop instructional materials and curricula encouraging the
7 prevention or cessation of tobacco use. The State Department of
8 Education shall consult with the department and others with
9 expertise in antitobacco materials or curricula in the preparation
10 of these materials and curricula.

11 (e) Monitor the implementation of programs that it has approved
12 under this article to ensure successful implementation.

13 (f) Prepare guidelines within 180 days of the effective date of
14 this article for a school-based program of outreach, education,
15 intervention, counseling, peer counseling, and other activities to
16 reduce and prevent smoking among schoolage youth.

17 (g) Assist county offices of education to employ a tobacco use
18 prevention coordinator to assist local schools and local public and
19 community agencies in preventing tobacco use by pupils.

20 (h) Train the tobacco use prevention coordinators of county
21 offices of education so that they are:

22 (1) Familiar with relevant research regarding the effectiveness
23 of various kinds of antitobacco use programs.

24 (2) Familiar with department guidelines and requirements for
25 submission, review, and approval of school-based plans.

26 (3) Able to provide effective technical assistance to schools and
27 school districts.

28 (i) Establish a tobacco-free school recognition awards program.

29 (j) As a condition of receiving funds pursuant to this article, the
30 State Department of Education, county offices of education, and
31 school districts shall ensure that they coordinate their efforts toward
32 smoking prevention and cessation with the lead local agency in
33 the community where the local school district is located.

34 (k) (1) Develop, in coordination with the county offices of
35 education, and administer a competitive grant program for
36 school-based, antitobacco education programs and tobacco use
37 intervention and cessation activities in order to reduce the number
38 of pupils who begin to use tobacco, continue to use tobacco, or
39 both. Grants shall be awarded, after consultation with local lead
40 agencies, the committee, and representatives of nonprofit

1 organizations dedicated to the reduction of tobacco-associated
2 disease, to school districts and county offices of education for all
3 pupils in grades 6 to 12, inclusive, that comply with the
4 requirements of paragraphs (2) and, if applicable, (3).

5 (2) Every school district and county office of education that
6 receives a grant pursuant to this section shall provide tobacco-use
7 prevention instruction that addresses all of the following essential
8 topics:

9 (A) Immediate and long-term undesirable physiologic, cosmetic,
10 and social consequences of tobacco use.

11 (B) Reasons that adolescents say they smoke or use tobacco.

12 (C) Peer norms and social influences that promote tobacco use.

13 (D) Refusal skills for resisting social influences that promote
14 tobacco use.

15 (3) Every school district and county office of education that
16 receives a grant pursuant to this section for pupils in grades 7 to
17 12, inclusive, shall provide tobacco-use intervention and cessation
18 activities targeted for pupils in high-risk groups.

19 ~~(4) In adopting regulations to administer the grant program, the~~
20 ~~State Department of Education shall~~ *The State Department of*
21 *Education shall develop criteria and standards for the allocation*
22 *of grant awards that* consider the need to balance rural, suburban,
23 and urban projects. In addition, the State Department of Education
24 shall give priority to applicants and programs that do all of the
25 following:

26 (A) Target current smokers and pupils most at risk for beginning
27 to use tobacco.

28 (B) Offer or refer pupils to cessation classes for current smokers.

29 (C) Utilize existing antismoking resources, including local
30 antismoking efforts by local lead agencies and competitive grant
31 recipients.

32 (D) Design the project to coordinate with other community
33 services, including, but not limited to, local health agencies,
34 voluntary health organizations, and parent organizations.

35 (E) Design the project to use and develop existing services and
36 resources.

37 (F) Demonstrate an understanding of the role that the
38 environment and community norms play in influencing tobacco
39 use.

40 (5) Available funds shall determine grant award amounts.

(l) Allocate funds to county offices of education to provide technical assistance and leadership for tobacco use prevention, intervention, and cessation programs. The funds shall be allocated to all participating county offices of education at a minimum amount of thirty-seven thousand five hundred dollars (\$37,500). If funds appropriated for purposes of allocating at least thirty-seven thousand five hundred dollars (\$37,500) to all participating county offices of education are insufficient, the Superintendent of Public Instruction shall prorate available funds among participating county offices of education ensuring that all participating county offices of education receive an equal minimum level of funding of thirty-seven thousand five hundred dollars (\$37,500). If funds are sufficient to provide all participating county offices of education a minimum of thirty-seven thousand five hundred dollars (\$37,500), the remaining funds shall be allocated according to the following schedule based on average daily attendance in the prior year credited to all elementary, high, and unified school districts, and to the county superintendent of schools within the county as certified by the Superintendent of Public Instruction:

(1) For counties with over 550,000 units of average daily attendance, thirty cents (\$0.30) per average daily attendance.

(2) For counties with more than 100,000 and less than 550,000 units of average daily attendance, sixty-five cents (\$0.65) per average daily attendance.

(3) For counties with more than 50,000 and less than 100,000 units of average daily attendance, ninety cents (\$0.90) per average daily attendance.

(4) For counties with more than 37,500 and less than 50,000 units of average daily attendance, one dollar (\$1) per average daily attendance.

(5) For counties with less than ~~37,000~~ 37,500 units of average daily attendance, thirty-seven thousand five hundred dollars (\$37,500).

(m) Allocate funds appropriated by the act adding this subdivision for local assistance to school districts and county offices of education based on average daily attendance reported in the second principal apportionment in the prior fiscal year.

(n) (1) Provide that all school districts and county offices of education that receive funding under subdivision (m) make

1 reasonable progress toward providing a tobacco-free environment
2 in school facilities for pupils and employees.

3 (2) All school districts and county offices of education that
4 receive funding pursuant to paragraph (1) shall adopt and enforce
5 a tobacco-free campus policy no later than July of each fiscal year.
6 The policy shall prohibit the use of tobacco products, any time, in
7 district-owned or leased buildings, on district property and in
8 district vehicles. Information about the policy and enforcement
9 procedures shall be communicated clearly to school personnel,
10 parents, pupils, and the larger community. Signs stating “Tobacco
11 use is prohibited” shall be prominently displayed at all entrances
12 to school property. Information about smoking cessation support
13 programs shall be made available and encouraged for pupils and
14 staff. Any school district or county office of education that does
15 not have a tobacco-free district policy implemented by July 1, shall
16 not be eligible to apply for funds from the Cigarette and Tobacco
17 Products Surtax Fund for that fiscal year.

18 SEC. 2. Section 104425 of the Health and Safety Code is
19 repealed.

20 SEC. 3. Section 104430 of the Health and Safety Code is
21 amended to read:

22 104430. (a) The State Department of Education shall make
23 available funds appropriated to it from the Health Education
24 Account in the Cigarette and Tobacco Products Surtax Fund for
25 the implementation of Section ~~104425~~ 104420 according to the
26 following schedule:

27 (1) (A) Not less than two-thirds of that amount shall be
28 awarded to local educational agencies. Funds allocated pursuant
29 to paragraphs (2) and (3) shall not be considered funds for
30 distribution to local educational agencies.

31 (B) Not less than two hundred thousand dollars (\$200,000) of
32 the amount subject to subparagraph (A) shall be made available
33 for proportionate awards to applicant education centers pursuant
34 to Article 6 (commencing with Section 33380) of Chapter 3 of
35 Part 20 of the Education Code, for tobacco use prevention projects.

36 (2) Not less than two hundred thousand dollars (\$200,000) of
37 the amount awarded pursuant to Section ~~104425~~ 104420 shall be
38 used for the support of statewide program evaluation.

39 (3) Not more than nine hundred thousand dollars (\$900,000)
40 of the amount awarded pursuant to Section ~~104425~~ 104420 shall

1 be awarded as grants for technical assistance, implementation
2 strategies, and regional coordinating activities related to tobacco
3 use prevention pursuant to subdivision (e) of Section 104425 (l)
4 of Section 104420.

5 (b) Any amount that exceeds the amounts specified in
6 subdivision (a) shall be allocated for competitive grants pursuant
7 to subdivision (e) of Section 104425 (l) of Section 104420.

8 (c) On and after January 1, 1992, funding to which this section
9 applies shall be made available only upon a determination by the
10 Legislative Analyst and the Tobacco Education Oversight
11 Committee, in the evaluation required by Section 104460
12 subdivision (c) of Section 104375, indicating that the tobacco use
13 prevention program meets the purpose of this article.

14 ~~SEC. 3.~~

15 SEC. 4. Section 104435 of the Health and Safety Code is
16 amended to read:

17 104435. County offices of education that receive funds pursuant
18 to subdivision (l) of Section 104420 shall do all of the following:

19 (a) Provide technical assistance and training to school districts
20 and consortia of school districts regarding planning and preparation
21 of antitobacco programs plans pursuant to State Department of
22 Education guidelines.

23 (b) Provide for appropriate coordination between school districts
24 programs and local antitobacco use programs funded by the local
25 lead agency.

26 (c) Participate in the review and scoring of applications
27 submitted by school districts for grant awards made pursuant to
28 Section 104420.

29 (d) Participate in the monitoring and technical assistance review
30 process for school districts and county offices of education pursuant
31 to Section 104455.

32 ~~SEC. 4.~~

33 SEC. 5. Section 104455 of the Health and Safety Code is
34 amended to read:

35 104455. The State Department of Education shall monitor and
36 ensure implementation of district and county offices of education
37 tobacco-free policies and tobacco-use prevention education
38 programs in districts receiving funding from the Cigarette and
39 Tobacco Products Surtax Fund through procedures determined by

- 1 the Superintendent of Public Instruction after consultations with
- 2 the committee.
- 3 *SEC. 6. This act shall become operative on July 1, 2009.*